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Ken Masumitsu

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RYAN, MASON & LEWIS, LLP  
1300 POST ROAD  
SUITE 205  
FAIRFIELD, CT 06824

EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT

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2421

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |   |   |  |
|------------------------------|---|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/081,274    | <b>Applicant(s)</b><br>MASUMITSU ET AL. |  |
|                              | <b>Examiner</b><br>SUMAIYA A. CHOWDHURY | <b>Art Unit</b><br>2421                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant argues "...Herz does not disclose or suggest wherein the digest server calculates an importance level for each of a plurality of content segments or scenes...Thus, Abecassis and Herz, alone or in combination , do not disclose or suggest wherein the digest server converts the metadata into characteristic values, wherein the digest sever calculates an importance level for each of a plurality of content segments,...wherein said importance level is a degree of importance" on page 9 of the Remarks.

The Examiner has brought in Dudkiewicz to teach these limitations. In particular, Dudkiewicz teaches that the programming event provider (digest server) converts metadata into keywords, and using the keywords and a user profile, determines the desirability of programming segments for the user, and creates a video digest based on the desirability.

### ***Claim Objections***

2. Claims 5 and 8 are objected to because of the following informalities:

In claim 5, line 6, change "the user profile" to --a user profile--.

In claim 8, line 11, change "the time axis" to --a time axis--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkiewicz (US 2005/0172318) in view of Buehl (US 2002/0104093).

Regarding claim 1, Dudkiewicz discloses a content digest system comprising:  
a content provider (metadata distributor 180), wherein the content provider furnishes meta data describing content to a digest server (programming event provider 184); -  
[0149];

the digest server (184) comprising a content digest for the content ([0149], [0150]), wherein the digest server converts the meta data into characteristic values (metadata is converted into keywords; [0080], [0082]), wherein the digest server calculates an importance level for each of a plurality of content segments ([0102], [0103], [0021], [0026]), wherein each of the plurality of content segments correspond to at least one of the characteristic values ([0102], [0103], [0021], [0026]), and wherein the digest server generates the content digest by using the importance levels ([0022], [0149], [0150]), the content digest comprising at least one of the content segments, wherein said importance level is a degree of importance ([0022], [0149], [0150]); and

a client, wherein the client receives the content digest ([0022], [0149], [0150]).

However, Dudkiewicz discloses the content provider furnishes metadata to a digest server as discussed above, but fails to disclose the content provider comprises content and also furnishes content to the digest server.

In an analogous art, Buehl discloses that the content provider comprises content and metadata and furnishes content and metadata to the digest server (headend 30); [0029].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Dudkiewicz's invention to include the above mentioned limitation, as taught by Buehl, for the advantage of allowing the digest server to determine what to do with the content once it arrives at the digest server.

Regarding claim 2, Dudkiewicz teaches wherein the digest server uses determined content scores, which correspond to characteristic values, for each of the content segments to determine the importance levels ([0149], [0150]).

5. Claims 3-7, and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkiewicz and Buehl, and further in view of Abecassis.

Regarding claims 3, 6, Dudkiewicz discloses wherein the digest server determines a current determined content score for a current content segment based on determined content scores for similar content segments, the similar content segments

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determined through a measure comparing frequencies of a plurality of characteristic values for the current content segment with frequencies of a plurality of characteristic values for previously rated (score user assigns in profile [0092]) content segments (specificity of content; For example, metadata including the keywords sports, football, and football team name, can count as having frequent sports characteristic values.

[0112], [0149], [0150], [0021], [0026],[0077], [0082], [0091]-[0093]).

However, Dudkiewicz discloses comparing frequencies with previously rated content in a user profile, but Dudkiewicz and Buehl fail to disclose wherein the content is previously shown content;

In an analogous art, Abecassis discloses previously shown content – col. 58, lines 44-51.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Dudkiewicz and Buehl's invention to include the above mentioned limitation, as taught by Abecassis, for the advantage of allowing the user to better assess and rate his preferences accordingly.

Regarding claims 4, 7, Dudkiewicz discloses wherein the client includes a user profile having user profile content scores for at least one rated content segment for a user, and wherein the digest server calculates importance levels for the at least one rated content segment based on a probability and based on the current determined content score for the at least one rated content segment, a user profile content score for the at least one rated content segment, or both the current determined content score

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and the user profile content score, wherein the probability is determined from at least one of a plurality of frequencies, each of the frequencies indicating how often a characteristic value occurs in the content segment (specificity of content; For example, metadata about programming including the keywords sports, football, and football team name, can count as having frequent sports characteristic values as opposed to metadata about programming only including the keyword sports. [0149], [0150], [0021], [0026],[0077], [0082], [0091]-[0093]). Abecassis discloses at least one viewed content segment (col. 58, lines 44-51).

Claim 5 contains the limitations of claim 1 and is analyzed as previously discussed with respect to claim 1. Claim 5 additionally discloses the following which Dudkiewicz discloses:

importance level estimation means for estimating an importance level for each of a plurality of content segments; and update means for updating, based on the user profile, the importance level of at least one of the plurality of content segments ([0092], [0150]).

Claims 12 and 13 contain the limitations of claims 1, 3, and 18 and are analyzed as previously discussed with respect to those claims.

Claim 14 contains the limitations of claims 1-3 and is analyzed as previously discussed with respect to those claims.

Regarding claim 15, see claim analysis of claim 3.

Regarding claim 16, Abecassis teaches the claimed video digest generation method, wherein the determined content scores are based on user profiles obtained for multiple users who have viewed and listened to the video digest (col. 58, lines 44-51);

Regarding claim 17, Abecassis teaches the claimed video digest generation method, wherein the video digest is generated by selecting a predetermined number of scenes based on a video digest time length received from a user to whom the video digest is to be distributed (col. 57, lines 7-24).

6. Claims 8-11, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkiewicz in view of Abecassis.

Claim 8 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. However, claim 8 fails to disclose a video digest data generator, for selecting, based on the importance levels, a predetermined number of scenes, for sorting the selected scenes along a time axis

In an analogous art, Abecassis teaches:



A video digest data generator, for selecting, based on the importance levels, a predetermined number of scenes, for sorting the selected scenes along a time axis (col. 57, lines 7-25);

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Dudkiewicz's invention to include the above mentioned limitation, as taught by Abecassis, for the advantage of displaying desired content and omitting undesired content to fit the user's desired schedule or desired programming duration.

Claim 9 contains the limitations of claim 3 and is analyzed as previously discussed with respect to that claim.

Claim 10 contains the limitations of claim 4 and is analyzed as previously discussed with respect to that claim.

Claim 11 contains the limitations of claims 1 and 8 and is analyzed as previously discussed with respect to those claims.

Regarding claim 18, Dudkiewicz teaches:

transmitting a user profile that includes information for content desired by a user, information for a video digest for viewing and listening [0092], [0093];

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receiving a video digest comprising multiple scenes, that constitute content, and metadata included in each of the scenes, wherein said video digest is created based on a processor-generated importance level for each of a plurality of content segments, and wherein said importance level is a degree of importance [0150].

However Dudkiewicz fails to disclose:

User indicates preferred video digest time length; and

Receiving video digest according to the indicated time length duration;

In an analogous art, Abecassis discloses:

User indicates preferred video digest time length; and receiving video digest according to the indicated time length duration (col. 57, lines 7-25);

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Dudkiewicz's invention to include the above mentioned limitation, as taught by Abecassis, for the advantage of allowing the user to have content customized according to his schedule or desired programming duration.

Regarding claim 19, Abecassis teaches the claimed step of transmitting information that is obtained from the user as a result of viewing and listening to the video digest (col. 58, lines 44-51).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUMAIYA A. CHOWDHURY whose telephone number is (571)272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/  
Supervisory Patent Examiner, Art Unit 2421

/Sumaiya A Chowdhury/  
Examiner, Art Unit 2421